

# 91st Illinois General Assembly Senate Transcript

---

STATE OF ILLINOIS  
91ST GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

57th Legislative Day

November 17, 1999

PRESIDENT PHILIP:

The regular Session of the 91st General Assembly will please come to order. Will the Members please be at their desks and will our guests in the galleries please rise? Our prayer today will be given by Pastor Rick Wenneborg, Chatham Christian Church, Chatham, Illinois. Pastor Wenneborg.

PASTOR RICK WENNEBORG:

(Prayer by Pastor Rick Wenneborg)

PRESIDENT PHILIP:

Please remain standing for the Pledge of Allegiance. Senator Sieben.

SENATOR SIEBEN:

(Pledge of Allegiance, led by Senator Sieben)

PRESIDENT PHILIP:

Senator Welch, for what purpose do you rise?

SENATOR WELCH:

A point of personal privilege, Mr. President.

PRESIDENT PHILIP:

State your point.

SENATOR WELCH:

Mr. President, in the gallery today, we have a group of fourth-grade students from LaSalle, Illinois, from Northwest School. I was wondering if we could have them stand up and wave and be welcomed by the Senate.

PRESIDENT PHILIP:

Certainly may. Would you please stand and be recognized by the Senate? Senator Shadid, for what purpose do you rise?

SENATOR SHADID:

Point of personal privilege, Mr. President.

PRESIDENT PHILIP:

State your point.

SENATOR SHADID:

1

---

STATE OF ILLINOIS  
91ST GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

57th Legislative Day

November 17, 1999

In the -- along with Senator Madigan and myself, we'd like to welcome in the Senate gallery, behind the Democrat, which makes Bob very comfortable, behind the Democrats' side, is the group from East Peoria. The City of East Peoria will kick off its nationally known Festival of Lights celebration with a spectacular lighted parade a week from Saturday, on November 27. In today's group is Mayor Charles Dobbelaire, along with Chamber of Commerce business leaders and elected and staff members from the city, also

representing student councils and the president from the East Peoria Community High School. Would you give us -- help me give them a big welcome to Springfield?

PRESIDENT PHILIP:

Would you please rise and be recognized by the Senate? It must be catching. Senator Myers, for what purpose do you rise?

SENATOR MYERS:

Mr. President, I would like to present to the Senate Dr. Carol Surles, who is the President of Eastern Illinois University and a guest here today.

PRESIDENT PHILIP:

Dr. Carol, will you please rise and be recognized by the Senate? Senator Sullivan, for what purpose do you rise?

SENATOR SULLIVAN:

Point of personal privilege, Mr. President.

PRESIDENT PHILIP:

State your point.

SENATOR SULLIVAN:

If the Senate could please welcome a constituent of mine and a school board member in my district, and his son, who are in the gallery above the Democrats: Arlen Gould and his son, Josh.

PRESIDENT PHILIP:

Will you please rise and be recognized by the Senate? Senator Shadid, for what purpose do you rise?

STATE OF ILLINOIS  
91ST GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

57th Legislative Day

November 17, 1999

SENATOR SHADID:

Personal privilege, again, Mr. President.

PRESIDENT PHILIP:

State your point.

SENATOR SHADID:

All right. Joining us in the gallery today is the Illinois Bluffs Middle School Lady Tigers softball team. They happen to be behind you, Mr. President, and who are the Illinois Elementary School Association first place champions. They had a winning record of twenty-six victories, and this was their fourth State appearance. Their head coach is Karen Malmgren; their assistant coach is Lloyd Walker; and their middle school principal is Roger Alvey. Would you help me -- welcome them?

PRESIDENT PHILIP:

Yes. Would the softball -- champion softball team please rise and be recognized by the Senate? Reading of the Journal. Senator Myers.

SENATOR MYERS:

Mr. President, I move that reading and approval of the Journal of Tuesday, November 16th, in the year 1999, be postponed, pending arrival of the printed Journal.

PRESIDENT PHILIP:

Senator Myers moves to postpone the reading and the approval of the Journal, pending the arrival of the printed transcript.

There being no objection, so ordered. Committee Reports.

SECRETARY HARRY:

Senator Burzynski, Chair of the Committee on Licensed Activities, reports Senate Amendment 1 to Senate Bill 239 Be Adopted.

Senator Tom Walsh, Chair of the Committee on State Government Operations, reports House Bill 1852 Do Pass, as Amended.

And Senator Cronin, Chair of the Committee on Education,

3

---

STATE OF ILLINOIS  
91ST GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

57th Legislative Day

November 17, 1999

reports Senate Joint Resolution 41 Be Adopted.

PRESIDENT PHILIP:

Messages.

SECRETARY HARRY:

Message to the President.

Dear President Philip - Please be advised that I am submitting this letter of resignation as Illinois State Senator of the 9th Legislative District effective January 2nd, 2000. I have greatly enjoyed the privilege of serving in the Illinois General Assembly and I thank you for your courtesies.

Dated November 17th, 1999, and signed by Senator Berman.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Messages from the House.

SECRETARY HARRY:

Message from the House by Mr. Rossi, Clerk.

Mr. President - I am directed to inform the Senate that the House of Representatives has passed a bill of the following title, in the passage of which I am instructed to ask the concurrence of the Senate, to wit:

House Bill 2883.

Passed the House, November 17, 1999.

A Message from the House by Mr. Rossi, Clerk.

Mr. President - I am directed to inform the Senate that the House of Representatives has refused to recede from their Amendments 1, 2 and 3 to a bill of the following title, to wit:

Senate Bill 618.

I am further directed to inform the Senate that the House of Representatives requests a First Committee of Conference.

Action taken by the House, November 17, 1999.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Introduction of Bills.

SECRETARY HARRY:

Senate Bill 1278, offered by Senator Klemm.

(Secretary reads title of bill)

1st Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Resolutions.

SECRETARY HARRY:

Senate Resolution 221, offered by Senator Dillard and all Members.

And Senate Resolution 222, offered by Senator Link.

They're both death resolutions, Mr. President.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Consent Calendar.

SECRETARY HARRY:

Senate Resolution 223, offered by Senator Radogno.

It's substantive.

PRESIDING OFFICER: (SENATOR DUDYCZ)

WCIA-TV, Channel 3, requests permission to videotape. Hearing no objection, leave is granted. House Bills 1st Reading.

SECRETARY HARRY:

House Bill 2883, offered by Senators Dudycz and Shaw.

(Secretary reads title of bill)

1st Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Turn... Without objection, the Senate accedes to the request of the House for conference committees on those bills just read by the Secretary. Now, if you turn your attention to the top of page 2 of your regular Calendar, we will be going to the Order of Senate Bills 3rd Reading. Committee Reports.

ACTING SECRETARY HAWKER:

Senator Weaver, Chairman of the Committee on Rules, reports that the following Legislative Measures have been assigned: Refer to Executive Committee - Senate Bill 1277; refer to Licensed

5

---

STATE OF ILLINOIS  
91ST GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

57th Legislative Day

November 17, 1999

Activities Committee - House Bill 539; refer to Revenue Committee - Senate Joint Resolution 43; and Be Approved for Consideration - Senate Amendment No. 4 to House Bill 809 and Senate Amendment No. 5 to House Bill 2773.

PRESIDING OFFICER: (SENATOR DUDYCZ)

On top of page 2, on the Order of Senate Bills 3rd Reading, is Senate Bill 239. Senator Burzynski, do you wish this bill returned to 2nd Reading for the purposes of an amendment? Senator Burzynski seeks leave of the Body to return Senate Bill 239 to the Order of 2nd Reading for -- for the purpose of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is Senate Bill 239. Madam Secretary, are there any Floor amendments that have been approved for consideration?

ACTING SECRETARY HAWKER:

Amendment No. 1, offered by Senator Burzynski.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Burzynski.



SENATOR BURZYNSKI:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Basically what we have is an amendment of the Real Estate Licensure Act of 1983, and basically what this does is a clean-up piece of legislation from the spring Session and deals with reciprocity between the State of Illinois and its neighboring states. Be more than happy to answer any questions. I know of...(microphone cutoff)...opposition.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, all those in favor, say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Any further Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR DUDYCZ)

6

---

STATE OF ILLINOIS  
91ST GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

57th Legislative Day

November 17, 1999

3rd Reading. We will now go to the Order of House Bills 3rd Reading. House Bill 809. Senator Fawell, do you wish this bill returned to 2nd Reading for the purposes of an amendment? Senator Fawell seeks leave of the Body to return House Bill 809 to the Order of 2nd Reading for the purpose of an amendment. Hearing no

objection, leave is granted. On the Order of 2nd Reading is House Bill 809. Madam Secretary, are there any Floor amendments that have been approved for consideration?

ACTING SECRETARY HAWKER:

Amendment No. 4, offered by Senators Shadid and Philip.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Shadid.

SENATOR SHADID:

Thank you, Mr. President. Amendment No. 4 to House Bill 809 is a initiative of the Secretary of State, which there's two changes. Changes circuit breaker language in Illinois Vehicle Code for Korean War Veteran license plates, and the second change is to correct a technical problem from Senate Bill 989, which allowed for CDLIS/AAMV {sic} (AAMVAnet) Trust Fund monies to be used to purchase equipment for -- CDL testing machines. I'd appreciate a favorable vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, all those in favor, say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Any further Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

No further amendments reported.

PRESIDING OFFICER: (SENATOR DUDYCZ)

3rd Reading. House Bills 3rd Reading. House Bill 1175. Senator Luechtefeld, do you wish this bill returned to 2nd Reading for the purposes of an amendment? Out of the record. House Bill 1628. On the Order of 3rd Reading is House Bill 1628. Senator

---

STATE OF ILLINOIS  
91ST GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

57th Legislative Day

November 17, 1999

Klemm. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

House Bill 1628.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Klemm.

SENATOR KLEMM:

Thank you, Mr. President. House Bill 1628, when it came over from the House, created the Tobacco Settlement Proceeds Distribution Act. It was a short title. We had no language in it because we were going to determine what we were going to do for the tobacco settlement. As some of you know, we did place, in the Executive Committee, a subcommittee on the tobacco, and Senator Maitland headed up that said subcommittee. We had hearings throughout the summer. However, we still need time to determine how we want to use these dollars in the forthcoming year. As some of you know, we are going to be receiving several hundred million dollars before the end of this 1999 year, so what we did was use that bill and created the Tobacco Settlement Recovery Fund. And what it does is set up a special fund in the State Treasury and

into that fund shall be deposited all the monies paid to the State pursuant to the Master Settlement Agreement that was entered into in the case of the People of the State of Illinois versus Philip Morris, and also would be deposited all monies paid to the State pursuant to any other settlements and any other monies that come in because of that judgment that was against the tobacco product manufacturers. And what we are doing with those, is those dollars we'd be earning from the fund investments will also be deposited in that fund so that while we're having hearings to determine how we intend to use those dollars wisely, we could have those dollars earn interest for the taxpayers. And all the monies that are paid

8

---

STATE OF ILLINOIS  
91ST GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

57th Legislative Day

November 17, 1999

to the State prior to that creation of the fund will also be transferred to that fund, in case we do receive some early distribution before we have this become acted into law. And any of those earnings would be credited until we get an opportunity to see how we spend it. Senator Philip and I have introduced a bill that we are going to use probably in the coming year to see how we're going to distribute those dollars, while both the House and the Senate has hearings, has meetings to determine what best we should do with those dollars. So at least we have the mechanisms

in place. We'll have those dollars safely put in our trust fund, and I do ask for your support and I'll be delighted to answer any questions.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Demuzio.

SENATOR DEMUZIO:

Well, thank you, Mr. President. I rise in support of this measure. Without the adoption of this bill, this would mean that the tobacco settlement money would go directly into the General Revenue Fund, of which -- half of which automatically would go to elementary and secondary education in -- in Illinois. The fact is, is that the way the formula is constructed now, it seems to me that there's a inordinate amount of money going to the -- Chicago and the suburbs. And so as a result of this going in the Tobacco Settlement Fund, we -- we won't have to worry about downstate being shortchanged. Thank you.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? If not, the question is, shall House Bill 1628 pass. All those in favor will vote Aye. Opposed will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, none voting Present. And House Bill 1628, having received the required constitutional

SENATE TRANSCRIPT

57th Legislative Day

November 17, 1999

majority, is declared passed. Senator Myers, what purpose do you rise?

SENATOR MYERS:

Mr. President, at the time the vote was taken, my keyboard wasn't on. I want to be designated as voting Aye.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The record will reflect your intent, had you -- had your button been activated. Senator Luechtefeld, what purpose do you rise?

SENATOR LUECHTEFELD:

Thank you, Mr. President. I also -- I guess there was something wrong with the key here. I didn't get my button pushed. Would like to record as -- as an Aye vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The record -- the record will reflect your intent, had you been able to record your vote, Senator Luechtefeld. Senator Lightford, what purpose do you rise?

SENATOR LIGHTFORD:

Thank you, Mr. President. I rise on a point of personal privilege.

PRESIDING OFFICER: (SENATOR DUDYCZ)

State your point.

SENATOR LIGHTFORD:

I'd like to welcome Cook County Recorder of Deeds and former State Representative Eugene Moore to the chambers.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Welcome to Springfield. If you turn your attention to the middle of page 2, in the Order of House Bills 2nd Reading. On the Order of House Bills 2nd Reading is House Bill 1276. Senator Burzynski. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

House Bill 1276.

10

---

STATE OF ILLINOIS  
91ST GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

57th Legislative Day

November 17, 1999

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Local Government adopted Committee Amendment No. 1.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Have there been any Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

No further amendments reported.

PRESIDING OFFICER: (SENATOR DUDYCZ)

3rd Reading. House Bill 2773. Senator Syverson. Madam Secretary, read the bill, please.

ACTING SECRETARY HAWKER:

House Bill 2773.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Public Health and Welfare adopted Committee -- adopted Amendments 2, 3 -- 2 and 3.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Have there been any Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

Amendment No. 5, offered by Senator Syverson.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Syverson.

SENATOR SYVERSON:

Thank you, Mr. Chairman. Amendment No. 5 addresses some of the concerns raised in committee yesterday over the changes in the fee structure under our child support legislation. Even though these changes -- the initial intent of this legislation was not to be punitive, but was to have the dollars follow the checks. But we don't want that issue to disrupt the changes that we're trying to put into place. And so Amendment No. 5 removes the whole area addressing the -- the thirty-six-dollar fee initiative.

11

---

STATE OF ILLINOIS  
91ST GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

57th Legislative Day

November 17, 1999

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, Senator Syverson moves the



adoption of Amendment No. 5 to House Bill 2773. All those in favor, say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Any further Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

No further amendments reported.

PRESIDING OFFICER: (SENATOR DUDYCZ)

3rd Reading. If you turn your attention to the bottom of page 6, to the Order of Secretary's Desks, Resolution -- Secretary's Desk, Resolutions. Senate Resolution 202. Senator Noland, do you wish your resolution considered? Madam Secretary, read the resolution.

ACTING SECRETARY HAWKER:

Senate Resolution 202, offered by Senators Noland and others. There are no committee or Floor amendments reported.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Noland.

SENATOR NOLAND:

Mr. President, Senate Resolution 202 -- we recognize the hardships many custodial parents are having due to problems and delayed checks from the central distribution unit, and so we are asking -- we are encouraging utility companies, day care centers, landlords, mortgage companies and other creditors to recognize these hardships and for them to just have constraint and understand it and not exercise any undue hardships on individuals by not terminating services or imposing penalties or any fines on these families due to the -- the controversy surrounding and the problems concerning the central distribution unit. Thank you.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Welch.

12

---

STATE OF ILLINOIS  
91ST GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

57th Legislative Day

November 17, 1999

SENATOR WELCH:

Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Welch.

SENATOR WELCH:

Mr. President, this issue has been a very troublesome one for everyone in this Body and especially for those parents who haven't been getting their child support. And we're trying to get to the bottom of why this has happened and make sure it doesn't happen again. We filed an amendment to Senator Noland's resolution. The amendment is identical to Resolution 204 that was kept in Rules Committee. Senate Resolution 202 is now on the Floor without a hearing on the amendment that we tried to put on 202, and that amendment very simply tries to find out what went wrong here and prevent it. It requires the Auditor General to perform a management audit. It seems to me that instead of passing the buck along to all other persons, Director Patla should stand up and accept responsibility for this fiasco. This particular amendment

would have an audit to determine exactly why this wasn't done, what went wrong with this program she assured several committees would work perfectly, and make sure it doesn't happen again. I don't see why we cannot take this out of the record, put this amendment on there and have an agreed resolution. This isn't a partisan issue. This should be a bipartisan issue. These parents that aren't getting child support aren't just Democrats or Republican. They cross both parties. There's no reason why we can't work together on this issue instead of trying to make it a partisan issue and trying to get one up on the other person. So I'd ask Senator Noland if he would just take this out of the record and -- and ask that this amendment be placed together with his resolution, to make it one total resolution that we can pass unanimously.

13

---

STATE OF ILLINOIS  
91ST GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

57th Legislative Day

November 17, 1999

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Noland.

SENATOR NOLAND:

Senator Welch, this is the first I've heard of your amendment. If you would have come and talked with me, I would have been glad to entertain your amendment. I'm aware you've offered Senate

Resolution 204, so I'm assuming that you can vote against my resolution and you can support yours, if you're unhappy with my resolution.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Demuzio.

SENATOR DEMUZIO:

Well, thank you, Mr. President, Ladies and Gentlemen of the Senate. I find it quite disturbing and, quite frankly, I find it quite appalling that we are embarked upon trying to extract a solution, not alone with Senate Bill -- Senate Resolution 202 but with, also, the bill that was just amended here a few moments ago, trying to figure out how we can aid the Department of Public Aid in resolving the biggest fiasco that's happened in the twenty-five years that I have been down here. The fact is, is that Senator Welch is absolutely correct. All we are asking that be done is that the Auditor General conduct a management audit, putting him into play immediately into the Department of Public Aid with this system that has now gone awry. As of today, the Department of Public Aid has now -- has now spent thirteen million dollars in attempting to resolve this controversy. Patla, the Director, on October the 27th, indicated to the Audit Commission that this would cost about five hundred thousand dollars to rectify. The following Monday, she testified before a House committee that it would take six million dollars to rectify. She drew down almost thirteen million dollars now out of the lines that we've given them to try to resolve this problem, and the fact of the matter

---

STATE OF ILLINOIS  
91ST GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

57th Legislative Day

November 17, 1999

is, is it isn't been resolved. We in the Audit Commission, we in the General Assembly always remember Delta Dental, with the Department of Public Aid. This now puts the Department of Public Aid into doing bookkeeping. Now they're advancing people money because of the emergency crisis, which I don't have any objections with, but the fact of the matter is, I doubt very seriously if they know who got the money or who is to get the money. And so what is wrong with a public policy that says we put the Auditor General in there, knowing full well that we're going to have all of these findings two years from now? The Director indicated at some point that she was also going to assure that there would be some interest money that would be made to these individuals who were -- who are getting this money late. The fact is, where is that money going to come from? We didn't authorize a revolving loan program for this Department of Public Aid because of this fiasco. Those are the kinds of things that need to be determined by the Auditor General. And just having the Auditor General in there doing a management audit is the prudent thing for Illinois to do. And to simply pass this resolution saying that this is going to resolve the problem, that we're going to be compassionate and tell individuals to be compassionate about the late checks, is baloney. We need a management audit. We ought to do it today. We ought to -- we ought to get back in there and find out just

exactly what the Department of Public Aid is doing and resolve the biggest fiasco in twenty-five years that I have been down here. This is ridiculous.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The Chair recognizes former Member of the Illinois Senate, the Honorable Howard Carroll. Welcome to Springfield. Further discussion? Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Mr. President, Ladies and Gentlemen of the Senate.

15

---

STATE OF ILLINOIS  
91ST GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

57th Legislative Day

November 17, 1999

I rise respectfully to disagree with Senator Demuzio. I think it's not prudent necessarily to begin a post-performance audit, which is the specialty of the Auditor General's office, on a program that's only six weeks old. I share the concern -- I share the concern that we need to get the program moving but I'm concerned that -- we've now had House oversight hearings. We've had hearings in the Public Health Committee of the Senate. We do need to keep a close eye on this whole disbursement unit as it works. But arguing for the Auditor General to go in and do a performance audit of a program that's only six weeks old seems to me to be killing flies with sledgehammers. And I -- I respect

that -- that the Senator is passionate about it, but I think it's most important that the Department of Public Aid be available to get the computer system straightened out and get the checks to the people who need it. I don't want them traveling to meet with auditors and -- and worrying about how they're going to discuss what's only six weeks old. So I respectfully urge aggressive and excited support of Duane Noland's resolution, and I think we need to get about the business of the Senate.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I'm listening to the debate and I think one of the problems that we have at this particular point is everyone's trying to point a finger, everyone's trying to take some credit, but we're not resolving the issue. And I don't care whether you vote for this or against this. It's a "feel good" resolution, but I think that we all ought to get -- get around to trying to resolve the issue and get the checks to these people who deserve it.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? If not, Senator Noland, to close.

SENATOR NOLAND:

I'd appreciate everyone's support. Thank...

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator -- Senator Noland moves the adoption of Senate Resolution 202. All those in favor will vote Aye. Opposed will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 59 Ayes, no Nays, none voting Present. And the resolution is adopted. Senator Hendon, what purpose do you rise?

SENATOR HENDON:

A point of personal privilege, Mr. President.

PRESIDING OFFICER: (SENATOR DUDYCZ)

State your point.

SENATOR HENDON:

On the Democratic side of the President's Gallery, two of my constituents are here from Chicago, Dean Nichols and Jorge Casillas, and I wanted them to rise and be recognized by the Senate.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Will our guests in the gallery please rise and be recognized? Welcome to Springfield. On the top of page 7, in the Order of Secretary's Desks -- Desk, Resolutions, is Senate Resolution 205. Senator Dillard. Madam Secretary, read the resolution.

ACTING SECRETARY HAWKER:

Senate Resolution 205, offered by Senator Dillard.  
There are no committee or Floor amendments reported.



PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Dillard.

SENATOR DILLARD:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This resolution simply extends out the reporting back

17

---

STATE OF ILLINOIS  
91ST GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

57th Legislative Day

November 17, 1999

date to the General Assembly of two task forces we have going here in the State Senate. One is the High-Technology Task Force and the other is what I call the Building Safety Commission, and it just gives these two task forces an additional time to report back to the General Assembly on their findings. They can report back earlier if they are finished, but this just extends these deadlines out a little bit. And I'd urge its adoption.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, Senator Dillard moves the adoption of Senate Resolution 205. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, no Nays, none voting Present. And the resolution is adopted. Senate Resolution 216. Madam Secretary, read the resolution.

ACTING SECRETARY HAWKER:

Senate Resolution 216, offered by Senator Philip.

There are no committee or Floor amendments reported.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Resolution 216 suggests that the United States Congress propose a constitutional amendment restricting the federal court's ability to increase local taxes. As you're probably aware, we passed Senate Joint Resolution 15, I think on two different occasions, but the House has never saw fit to call it in the House. So it's never passed the House. You wonder why I want to just pass it in the Senate? Because there's a group of Republican and Democrat legislators and a group called the Madison Group who are for this. They called me and asked me to just pass it in the Senate. That will mean something to the Madison Group and

18

---

STATE OF ILLINOIS  
91ST GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

57th Legislative Day

November 17, 1999

encourage people in the federal Congress to -- to pass a constitutional amendment not allowing the courts imposing taxes on local people. So I'll be happy to answer any questions and like

to see a lot of green lights up there.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, Senator Philip moves the adoption of Senate Resolution 216. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, no Nays, none voting Present. And the resolution is adopted. Senate Joint Resolution 45. Senator Maitland. Madam Secretary, read the joint resolution.

ACTING SECRETARY HAWKER:

Senate Joint Resolution 45, offered by Senator Maitland.  
There are no committee or Floor amendments reported.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Maitland.

SENATOR MAITLAND:

Thank you, Mr. President. Ladies and Gentlemen of the Senate, Senate Joint Resolution creates a resolution that, frankly, supersedes the action we took last spring when we created the Smart Growth Task Force. This resolution does a number of things; namely, it changes the name - we are now called the Illinois Growth Task Force, and it also changes the reporting date. I know of no opposition, would seek your support.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, Senator Maitland moves the adoption of Senate Joint Resolution 45. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays,

---

STATE OF ILLINOIS  
91ST GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

57th Legislative Day

November 17, 1999

none voting Present. And the motion is adopted. ...your Calendars to the middle of page 7, in the Order of Secretary's Desk, Concurrence, on Senate Bills. Page 7 of the Calendar is the Order of Concurrence. Senate Bill 1103. Madam Secretary, read the motion.

ACTING SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendment No. 3 to Senate Bill 1103.

Motion filed by Senator Robert Madigan.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Robert Madigan.

SENATOR R. MADIGAN:

Thank you, Mr. President, Members of the Senate. Several years ago, the General Assembly passed legislation establishing an optional retirement plan for elected county officials. Since that time that that bill has been in effect and -- and today, there's been some, shall we say, "creativity" on the part of local elected officials, requiring us to make some changes in the current Statute. The House Amendment No. 3 to Senate Bill 1103 makes four changes in the elected county officials' retirement plan. First

of all, of those counties that have approved it, it will allow those counties to revoke that participation if they -- if they so desire. The second change: It will prohibit elected county officials from upgrading nonelected county official service, or regular service in the Illinois Municipal Retirement Fund cannot be transferred to the optional retirement plan. Insofar as establishing the final rate of earnings, currently it's on last day of service. This change will take the highest four years as -- of earnings to establish a final rate of earnings. And finally, in order to establish credit in the position that an elected official is serving, it would require that he or she serve eight years in -- in that capacity or in that office to establish

20

---

STATE OF ILLINOIS  
91ST GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

57th Legislative Day

November 17, 1999

credit and use that office for final rate of earnings purposes. That is the language that's contained in House Amendment No. 3 to Senate Bill 1103. I'd be happy to answer any questions on this motion.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Bowles.

SENATOR BOWLES:

Thank you, Mr. President. I stand in support of Senator

Madigan's motion to approve Senate Bill 1103, House Amendment 3. Some of the most horrible abuses of the existing Statute occurred in my district, and it's been one of the most difficult situations in trying to explain to people that we are going to change the law. I would hope and I would ask you to please vote Yes on the motion to change this law, which has allowed such awful abuses. Thank you.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Shadid.

SENATOR SHADID:

Yes, Mr. President. I just stand in support of this bill. Urge everyone to support it. Thank you.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? If not, the question is, shall the Senate concur in House Amendment No. 3 to Senate Bill 1103. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, no Nays, none voting Present. And the Senate does concur in House Amendment No. 3 to Senate Bill 1103, and the bill, having received the required constitutional majority, is declared passed. We will now go to the middle of page 7, in the Order of Secretary's Desk, Non-concurrence, on House Bills. House Bill 1812. Madam Secretary, please read the bill.

STATE OF ILLINOIS  
91ST GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

57th Legislative Day

November 17, 1999

ACTING SECRETARY HAWKER:

I move to refuse to recede from Senate Amendments 1 and 2 to House Bill 1812 and request that a conference committee be appointed.

Motion filed by Senator Lauzen.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Lauzen.

SENATOR LAUZEN:

Thank you, Mr. President. I would just like to move to refuse to recede from Senate Amendments 1 and 2 to House Bill 1812.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Lauzen moves the Senate refuse to recede from the adoption of Senate Amendments No. 1 and 2 to House Bill 1812 and that a conference committee be appointed. All those in favor -- is there any discussion? Senator Welch.

SENATOR WELCH:

Thank you. Could -- could I ask the Senate sponsor to explain the two amendments?

PRESIDING OFFICER: (SENATOR DUDYCZ)

The sponsor will -- indicates he will yield. Senator Welch. Senator Lauzen.

SENATOR LAUZEN:

Basically, these are the -- this is the amendment that put onto this bill the requirement for public schools to have -- do

their best to have a filtering system so that pornographic material cannot come in through the Internet into our taxpayer-financed schools.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Welch.

SENATOR WELCH:

That just sounds like one amendment. Why did the House not go along with that?

22

---

STATE OF ILLINOIS  
91ST GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

57th Legislative Day

November 17, 1999

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Lauzen.

SENATOR LAUZEN:

Two questions in there. One, I believe that the other amendment clarified the -- basically the same issue. The -- the hang-up was over in the House. I believe the Education Committee voted against it, and I think that we've clarified some of the issues at this point.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? If not, Senator Lauzen moves that the Senate refuse to recede from the adoption of Senate Amendments No. 1 and 2 to House Bill 1812 and that a conference committee be



appointed. All those in favor, say Aye. Opposed, Nay. The Ayes have it, and the motion carries and the Secretary shall so inform the House. If you turn your attention now to the bottom of page 9, in the Order of Motions in Writing to Override Total Vetoes. Senator Petka. Madam Secretary, read the motion, please.

ACTING SECRETARY HAWKER:

I move that Senate Bill 794 do pass, the veto of the Governor to the contrary notwithstanding.

Motion filed by Senator Petka.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Petka.

SENATOR PETKA:

Thank you very much, Mr. President and Members of the Senate. When Senate Bill 794 was considered in the Senate back in the spring, it passed out of here 58 to 0. When the legislation was explained, what -- what it did was merely this: It provided a just penalty for an individual who may have inadvertently not paid a reinstatement fee at the end of his statutory summary suspension. What we were doing was taking an invitation from the Illinois Supreme Court and legislatively addressing a question

23

---

STATE OF ILLINOIS  
91ST GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

that was raised by the Illinois Supreme Court. I -- in reading the veto message, I -- I understand what the -- what was said, but, unfortunately, the statement left out a few important facts. First of all, invariably, prosecutors throughout the State, when a person is convicted of -- of a -- driving on a suspended license, they're invariably, as a condition of being -- getting their jail sentence, will be placed on probation or conditional discharge. As a result, even if a person is picked up for driving without a valid license, they can still be subjected to certain penal -- certain penalties; however, to place the individual in harm's way with a felony, it appears to me it'd be a penalty that's disproportionate to the nature of the offense. Thus, I think this was the reason we overwhelmingly voted in favor of this legislation, and I would once again ask you to -- to totally override the Governor's veto because I do believe that the policy advanced under Senate Bill 794 correctly states what legislated -- what penalties should be for this type of minor offense.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Petka has moved that Senate Bill 794 do pass, the veto of the Governor to the contrary notwithstanding. Any discussion? Senator Demuzio.

SENATOR DEMUZIO:

Well, Mr. President, I know things are moving kind of fast around here this morning, and a lot of things our Members haven't necessarily read yet, but as I understand the staff analysis that I have, that the Governor feels that this bill would weaken the DUI laws in Illinois, a major incentive - the reinstatement of an individual's driving privileges - to pay fees owed to the Secretary of State's Office would be lost, and that the motion --

proponents of the motion are the -- to override are the Bar Association, and the opponents are the -- the -- is MADD. And -- what's -- what's MADD's objection to this, Senator Petka?

24

---

STATE OF ILLINOIS  
91ST GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

57th Legislative Day

November 17, 1999

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Petka.

SENATOR PETKA:

Well, if they've -- they've expressed that opinion, sir, they certainly didn't do it in any committee hearings that we had. The Secretary of State, Senator, is neutral on this bill. It did initially have some offensive language, as the bill was introduced, and that was removed after a compromise was reached. But in connection with whether or not this actually weakens legislation, I -- I respectfully dissent from the position taken by the Governor's Office. What we are dealing with is a situation where a person may have inadvertently not paid a fee at -- at the statutory -- at the time that the Legislature had proscribed that a suspension would end, and by failure to pay a fine, the person would be subjected to possibly felony prosecution. I don't believe, sir, that that was ever the intent of this Body, to have a person in prison for a debt. So, all we're trying to do is

merely clean it up.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Cullerton.

SENATOR CULLERTON:

Yes. Would the sponsor yield?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Cullerton.

SENATOR CULLERTON:

Senator, maybe this question was asked, but it's kind of important to me, and I -- I didn't hear the answer. The -- the Bar Association indicated that when the bill was first debated, that the Mothers Against Drunk Driving were neutral on the bill and the Secretary of State was neutral on the bill. That was what the Bar Association said was their position when it was first debated. Our analysis today says that with regard to the

25

---

STATE OF ILLINOIS  
91ST GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

57th Legislative Day

November 17, 1999

override, that the Bar Association's in favor of your motion, Mothers Against Drunk Driving are opposed to it. But they didn't testify in committee. So I'm just wondering if anyone has indicated opposition to you from Mothers Against Drunk Driving?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Petka.

SENATOR PETKA:

I am not aware of any such opposition, Senator. If I -- if I had that opposition, I would certainly have sought a meeting and try to explain my position, but that has not been indicated to me at all.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Shadid.

SENATOR SHADID:

Yes. Thank you, Mr. President. I just want to make a point of information. I'm on the Transportation Committee, the Minority Spokesman. No one has called me and opposed this.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Emil Jones.

SENATOR E. JONES:

Yeah. Thank you, Mr. President. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Jones.

SENATOR E. JONES:

Senator Petka, a person that has been fined, let's say, for drunk driving and license has been suspended for a period of time and they have not paid that fine, but the suspension date -- according to this bill, if he have not paid the fine and the date of suspension comes up, that person's license is given back to them, even though they have not paid the fine. What will show up if that person's pulled over by the -- the police department? What will show up on the record?

---

STATE OF ILLINOIS  
91ST GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

57th Legislative Day

November 17, 1999

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Petka.

SENATOR PETKA:

It would -- what would show up is that the person's license would be suspended. However, the type of penalty that could be suffered by the individual would not be what is found under this -- under the suspended license Section; it would be the penalty that is found under driving without a license.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Jones.

SENATOR E. JONES:

So, in other words, then, this bill is rather liberal in saying that a person who has committed a violation but not paid the fine whatsoever and -- but the suspension is over with, so what you're doing is putting that driver back out there on the road, having not paid the fine, and when he's pulled over and they run his record, they'll say he's driving without a license. Am I correct?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Petka.

SENATOR PETKA:

Sir, you're totally incorrect. The -- you're confusing a reinstatement fee with a fine. The person would have already have paid a fine. What we are talking about is the payment of a reinstatement fee. The penalty has already been paid either by a -- a jail sentence or by the fine in a circuit court of the -- the county where the person was convicted. The reinstatement fee is something totally different. We're talking about a remuneration given to the Secretary of State's Office. And, once again, I want to repeat: The Secretary of State is neutral on this legislation.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Jones.

27

---

STATE OF ILLINOIS  
91ST GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

57th Legislative Day

November 17, 1999

SENATOR E. JONES:

Well, I'm very shocked that the Secretary of State would be neutral on a piece of legislation that impacts on his particular office, especially as it relate to the portion that deals with the fees to be paid. Now we -- I know we went through a process this past Session dealing with fee increases, registration fee increases, all these other things, and I can't see why he would be neutral on whether or not that revenue would be coming into the Secretary of State Office. So -- and then, at the same time, at

the same time, you will be permitting a driver to be out there driving and -- and not having paid that fee...

PRESIDING OFFICER: (SENATOR DUDYCZ)

Excuse me, Senator Jones.

SENATOR E. JONES:

So -- so, in essence, you'll be permitting the person to go out there and drive and -- and that person is stopped by a police officer, have not paid that particular fee, then -- now what would show up on the computer when it is ran? What would show up?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Petka.

SENATOR PETKA:

Senator, with all due respect, what will show up is that the person is driving on a suspended license. The person does not get his license back until he pays the reinstatement fee. The reason for this legislation is to avoid an injustice, and the injustice is simply this: If the reinstatement fee were not paid, for whatever reason - inadvertence or otherwise - the individual would be subjected to the possibility - and in certain counties, the probability - of a -- of an indictment for -- for a federal -- or, for a -- a criminal offense. The -- the penalty is disproportionate to the nature of the offense and, in my opinion, would violate the Illinois Constitution. That's legalese. Okay?



SENATE TRANSCRIPT

57th Legislative Day

November 17, 1999

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Sullivan.

SENATOR SULLIVAN:

Will the sponsor yield?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Sullivan.

SENATOR SULLIVAN:

Senator Petka, could you try to crystallize for us what the incentive for the perpetrator to pay their fee if they've already got their license back is?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Petka.

SENATOR PETKA:

Senator, they don't get their license back until they -- they pay their reinstatement fee.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Sullivan.

SENATOR SULLIVAN:

Senator, according to our analysis, they would get their license back. So you're saying that what -- what we're reading here is incorrect and your statement is the correct version?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Petka.

SENATOR PETKA:

You will still be subjected to a criminal offense, Senator. It will be driving without a license. You do not receive your

license back until you pay the reinstatement fee.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Hawkinson.

SENATOR HAWKINSON:

Thank -- thank you, Mr. President. Rather than looking at -- at the analyses, if you look at the bill, the bill clearly says

29

---

STATE OF ILLINOIS  
91ST GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

57th Legislative Day

November 17, 1999

that although the period of suspension has ended, you do not get restored to full driving privileges until you've paid the fee. So Senator Petka is -- is correct. It's a difference in penalty. If you've completed your period of suspension, then you would get a no valid license fee if you haven't paid it.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Molaro.

SENATOR MOLARO:

Yes. Thank you, Mr. President. Senator Petka happens to be -- I'm going to say this softly so Senator Jones doesn't get too upset with me. Senator Petka happens to be right on this issue, and I just want to clear this up for a second. You go get a summary suspension and you wind up with a three-month or a six-month suspension because you've refused the Breathalyzer. Now

the six months is up. Whatever fines there were that were imposed by the court, of course you have to pay those or you're going to get a warrant out for your arrest. This isn't that. When you're done -- you're done with the summary suspension, you're done in court, now you get your license back, but the Secretary of State says, "Since we were out there and we did a lot of work, you have to give us fifty or seventy-five bucks to pay for the cost of the paperwork." That strictly has to do with the Secretary of State's Office and this paperwork; nothing to do with the summary suspension or the DUI. Now, if you -- during that six-month suspension, if you're caught while you're driver's license is suspended for an alcohol-related offense, you're going to jail. Now, what Senator Petka's trying to say is if you don't pay the seventy-five bucks and we continue the suspension, you -- you're caught because you didn't pay the seventy-five bucks, you shouldn't go to jail. The charge should be that you didn't pay your seventy-five bucks. You didn't get your driver's license back. So you're charged with not having a valid license; you're

30

---

STATE OF ILLINOIS  
91ST GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

57th Legislative Day

November 17, 1999

not charged with driving on a suspended license due to a DUI. It's two different things. One, you must go to jail, there must

be mandatory seven days, and this other charge, it's up to the judge and the State's attorney what they do with you. So this is a -- a good piece, and you're not really putting drivers back on the street that shouldn't be driving. You're just changing the crime so no one's going to jail for not paying the fifty- or seventy-five-dollar reinstatement fee to the Secretary of State.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Hendon.

SENATOR HENDON:

Thank you, Mr. President. Being a staunch supporter of the Secretary of State, Jesse White, I would have to rise and endorse everything that Senator Jones said in this situation. Anything that causes loss of revenue to the Secretary of State's Office, I just simply cannot support.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? If not, Senator Petka, to close.

SENATOR PETKA:

Thank you, Mr. President. I would just like to thank my colleagues who tried to clarify the issues that were raised. I believe that the correct vote in this piece of legislation is a -- an Aye vote to override the Governor. I believe that there was just a misinterpretation.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The question is, shall Senate Bill 794 pass -- all -- the veto of the Governor to the contrary notwithstanding. All those in favor will vote Aye. Opposed, vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 41 Ayes,

9 Nays, 1 voting Present. And Senate Bill 794, having received the required three-fifths vote, is declared passed, the veto of

31

---

STATE OF ILLINOIS  
91ST GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

57th Legislative Day

November 17, 1999

the Governor to the contrary notwithstanding. If you turn your attention to the bottom of page 9, to the Order of Motions in Writing to Accept the Recommendations -- Specific Recommendations for Change. Senator Halvorson. Madam Secretary, read the motion, please.

ACTING SECRETARY HAWKER:

I move to accept the specific recommendations of the Governor as to Senate Bill 94, in manner and form as follows:

Amendment to Senate Bill 94

in Acceptance of Governor's Recommendations

Motion filed by Senator Halvorson.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Halvorson.

SENATOR HALVORSON:

Thank you, Mr. President, Members of the Senate. With the Governor's amendatory veto of Senate Bill 94, this will expand the Harassing and Obscene Communications Act to cover all forms of communication, including harassment by electronic communication.

So this is a much needed expansion, which will enable law enforcement to keep up with changing technology.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Halvorson has moved the -- to accept the specific recommendations of the Governor as to Senate Bill 94. Any discussion? If not, the question is, shall the Senate accept the specific recommendations of the Governor as to Senate Bill 94, in the manner and form just stated by Senator Halvorson. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, no Nays, none voting Present. And the specific recommendations of the Governor as to Senate Bill 94, having received the required constitutional majority vote of the Senators

32

---

STATE OF ILLINOIS  
91ST GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

57th Legislative Day

November 17, 1999

elected, are declared accepted. Motions in Writing to Accept the Specific Recommendations for Change, the top of page 10. Senator Watson. Madam Secretary, read the motion, please.

ACTING SECRETARY HAWKER:

I move to accept the specific recommendations of the Governor as to Senate Bill 464, in manner and form as follows:

Amendment to Senate Bill 464

in Acceptance of Governor's Recommendations

Motion filed by Senator Watson.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Watson.

SENATOR WATSON:

Thank you very much, Mr. President. This piece of legislation, or the amendatory veto, which I do concur with the motion, addresses the College Illinois! program, which was initiated by this General Assembly and administered by the Illinois Student Assistance Commission. And by the way, that's -- that program has been a huge, huge success. They've sold over eleven thousand contracts for almost seventy-four million dollars, and it's going to benefit, obviously, prepaid tuition for young people in this State for a long period of time. So it's been very successful. The legislation made some -- three technical changes, the original bill did. But the Governor amendatorily vetoed it, and I think he was correct in doing so. He added language that statutorily ensures that the College Illinois! contributions are invested with the same diligence and the same standard as applicable to the State pension funds. So I concur with his action and hope that you will also.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Watson has moved to accept the specific recommendations of the Governor as to Senate Bill 464. Any discussion? If not, the question is, shall the Senate accept the

---

STATE OF ILLINOIS  
91ST GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

57th Legislative Day

November 17, 1999

specific recommendations of the Governor as to Senate Bill 464, in the manner and form just stated by Senator Watson. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 59 Ayes, no Nays, no voting Present. And the specific recommendations of the Governor as to Senate Bill 464, having received the required constitutional majority of the Senators elected, are declared accepted. Senate Bill 653. Senator Cronin. Madam Secretary, read the motion.

ACTING SECRETARY HAWKER:

I move to accept the specific recommendations of the Governor as to Senate Bill 653, in manner and form as follows:

Amendment to Senate Bill 653

in Acceptance of Governor's Recommendations

Motion filed by Senator Cronin.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Cronin.

SENATOR CRONIN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 653, when it passed here last spring, created three successor federal funds to the ISAC Student Loan Fund. The Governor recommended a rather minor change in that the transfer of



funds from the Student Loan Fund to the three new funds occur August 31st, year 2000, instead of August 31st, 1999. I ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Cronin has moved to accept the specific recommendations of the Governor as to Senate Bill 653. Is there any discussion? If not, the question is, shall the Senate accept the specific recommendations of the Governor as to Senate Bill 653, in the manner and form just stated by Senator Cronin. All

34

---

STATE OF ILLINOIS  
91ST GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

57th Legislative Day

November 17, 1999

those in favor will vote Aye. Opposed will vote Nay. The voting open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 59 Ayes, no Nays, none voting Present. And the specific recommendations of the Governor as to Senate Bill 653, having received the required constitutional majority, is -- are declared accepted. Senate Bill 801. Senator Robert Madigan. Madam Secretary, read the motion.

ACTING SECRETARY HAWKER:

I move to accept the specific recommendations of the Governor as to Senate Bill 801, in manner and form as follows:

Amendment to Senate Bill 801

in Acceptance of Governor's Recommendations

Motion filed by Senator Robert Madigan.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Madigan.

SENATOR R. MADIGAN:

Thank you, Mr. President, Members of the Senate. Senate Bill 801, as passed, amended the Illinois Collection Agency Act to provide that a contingency or hourly arrangement established under an agreement between a collection agency and a creditor to collect a debt to be deemed to be prima facie reasonable. The Governor's amendatory veto, or changes in the language, brings into the Department of Professional Regulation that they will have ultimate determination as to what a contract fee is deemed to be reasonable. I would ask to accept the Governor's amendatory veto.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Madigan has moved to accept the specific recommendations of the Governor as to Senate Bill 801. Any discussion? Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. Will the sponsor yield for a

question?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicate he will yield. Senator Hawkinson.

SENATOR HAWKINSON:

Senator, in the form that the Governor has now left this bill, can you tell us how that differs from current law?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Madigan. Senator Madigan.

SENATOR R. MADIGAN:

Senator, would you repeat that question?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Hawkinson.

SENATOR HAWKINSON:

In -- in the form that we have it with the amendatory veto, where the commission will -- will ultimately determine what is a reasonable fee, how does that procedure differ from current law, without any bill at all? I understand how it differs from the original bill, but how does it differ from current law, if we don't do anything?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Madigan.

SENATOR R. MADIGAN:

It is my understanding that, under current law, the collection agency has the responsibility to determine to the Department if this is a reasonable fee. The changes made by this bill and the Governor's amendatory veto leaves that responsibility to the Department of Professional Regulation.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? If not, the question is, shall the Senate accept the specific recommendations of the Governor as to Senate Bill 801, in the manner and form just stated by Senator Robert Madigan. All those in favor will vote Aye. Opposed will

36

---

STATE OF ILLINOIS  
91ST GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

57th Legislative Day

November 17, 1999

vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 59 Ayes, no Nays, none voting Present. And the specific recommendations of the Governor as to Senate Bill 801, having received the required constitutional majority vote of Senators elected, are declared accepted. Senate Bill 1136. Senator Molaro. Madam Secretary, read the motion, please.

ACTING SECRETARY HAWKER:

I move to accept the specific recommendations of the Governor as to Senate Bill 1136, in manner and form as follows:

Amendment to Senate Bill 1136

in Acceptance of Governor's Recommendations

Motion filed by Senator Molaro.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Molaro.

SENATOR MOLARO:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This is the railroad crossing bill that has -- puts fines for moving trains - first time in Illinois history and the history of the United States - that moving trains could be fined for blocking grade crossings for more than ten minutes during any half-hour period. What the Governor basically put in, which I really have no objection to, states that we cannot stop a train to issue a ticket. I'm not too worried about that 'cause if you know it, you just call up, find out what train it is. The company's not going to leave town, and we certainly issue it to the company. So that certainly isn't a problem. And the other thing that he put in there was that the Governor requested that when it's down for more than ten minutes, it would be one train that causes this delay. So therefore, if it's down and train's doing eight minutes and here comes another train the other way, because we wouldn't know who to tag if they're both seven minutes long and it went over the

37

---

STATE OF ILLINOIS  
91ST GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

57th Legislative Day

November 17, 1999

ten minute, that it would have to be one train that caused the ten minute delay. So we would agree with that and ask that we go along with the recommendations.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Molaro has moved to accept the specific recommendations of the Governor as to House -- as to Senate Bill 1136. Is there any discussion? The question is, shall the Senate accept the specific recommendations of the Governor as to Senate Bill 1136, in the manner and form just stated by Senator Molaro. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 59 Ayes, no Nays, none voting Present. And the specific recommendations of the Governor as to Senate Bill 1136, having received the required constitutional majority of the Senators elected, are declared accepted. Supplemental Calendar No. 1 has been distributed on the Members' desks. If you turn your attention to Supplemental Calendar No. 1, to the Order of House Bills 2nd Reading. House Bill 1852. Senator Sieben. Madam Secretary, read the bill, please.

ACTING SECRETARY HAWKER:

House Bill 1852.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on State Government Operations adopted Committee Amendment No. 1.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Are there any Floor amendments that have been approved for consideration?

ACTING SECRETARY HAWKER:

No further amendments reported.

PRESIDING OFFICER: (SENATOR DUDYCZ)

3rd Reading. Introduction of Bills.

---

STATE OF ILLINOIS  
91ST GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

57th Legislative Day

November 17, 1999

ACTING SECRETARY HAWKER:

Senate Bill 1279, offered by Senator Halvorson.

(Secretary reads title of bill)

1st Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Resolutions.

ACTING SECRETARY HAWKER:

Senate Resolution 225 {sic} (224), offered by Senator Karpiel  
{sic} (Cronin) and all Members.

It is a death resolution.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Consent Calendar. Is there any further business to come before  
the Senate? If not, Senator Fawell moves that the Senate stands  
adjourned until 10 a.m., Thursday, 18 November. The Senate stands  
adjourned.

